



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

MAR 25 1987.

5HE-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ARMSTRONG CHEMICAL
1300 SOUTH KILBOURN AVE.
CHICAGO, IL

4/1/87
No such company at this address
4/29/87 SES

RE: American Chemical Services, Griffith Indiana

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threatened release of hazardous substances, pollutants and contaminants at the above referenced site, and is planning to spend public funds to control and investigate these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, (CERCLA), 42 U.S.C. §9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, Public Laws 99-499 (SARA) unless U.S. EPA determines that such action will be done properly by responsible parties. Responsible parties under CERCLA include the current and former owners or operators, and persons who generated the hazardous substances or were involved in transport, treatment, or disposal of them at the site.

In February and April, 1986 U.S. EPA sent letters to entities which U.S. EPA considered at that time to be potentially responsible parties (PRPs) for the American Chemical Services, Inc. (ACS) Site. An initial meeting with the PRPs was held on May 5, 1986. At that meeting, U.S. EPA announced that detailed waste records had recently been made available to U.S. EPA for the first time, and that these records would require revisions to the PRP list. U.S. EPA stated its intention at the meeting to notify all entities which are considered to be PRPs after a review of the newly obtained waste records. That review is now complete. This letter is your notification that, based on all available information, you are a potentially responsible party for the ACS site.

U.S. EPA is at this time notifying all current PRPs of their status even if they have previously received a notice letter. Please note that if you received a prior notice letter for this site, and if you already responded to the request for information contained in the prior letter, it will not be necessary for you to re-submit that information.

Under Section 107(a) of CERCLA, where the Agency uses public funds to achieve the cleanup of the hazardous substance, you may be liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the site, including investigation, planning and enforcement.

You, as a potentially responsible party, or the U.S. EPA shall conduct the following studies at the above site:

1. A Remedial Investigation to identify the local hydrogeological characteristics, and define the nature and extent of soil, air, ground and surface water contamination at the site, and
2. A Feasibility Study to evaluate possible remedial actions to remove or contain hazardous substances, pollutants, and contaminants at the site.

Following completion of such studies, U.S. EPA will determine the appropriate remedial action which is necessary for the site. You may then be contacted again to undertake the design and implementation of such remedy.

U.S. EPA would like to encourage good faith negotiations between you and the Agency and among you and other parties potentially responsible for the site. We recommend that you take immediate steps to schedule discussions with other potentially responsible parties regarding cleanup efforts and quickly organize yourselves into a single representative body. We have enclosed the list of names and addresses of potentially responsible parties, including the owner and operator of the site, as currently known to U.S. EPA.

In addition, U.S. EPA has enclosed a computer summary of waste transactions between you and ACS. The summary includes the volume and nature of substances you have contributed to the site, and includes your contribution in percent of the total substances at the site. The summary was prepared by Clean Sites, Inc., a not-for-profit firm which provides support and assistance to PRPs involved in CERCLA sites. This information has been provided at the request of Clean Sites, Inc., to help you evaluate your position in settlement discussions with other

PRPs. Clean Sites Inc. is not a contractor for U.S. EPA, and U.S. EPA expresses no opinion on the accuracy of the summary or the validity of the procedures used to develop the summary.

At this time, no formal introductory meeting with individual PRPs is planned, due to the fact that most PRP's have already had a chance to meet with U.S. EPA. However, we strongly encourage you to take immediate steps to organize into a committee or committees, which should contact U.S. EPA as soon as possible to begin to negotiate an agreement with U.S. EPA to conduct the RI/FS.

If, as explained above, you have not previously responded fully to an information request, the U.S. EPA is seeking to obtain certain information from you pursuant to its authority under Section 104 of CERCLA, 42 U.S.C. §9604, and Section 3007 of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. §6927, for the purpose of enforcing CERCLA and RCRA and for the purposes of assisting in determining the need for response to a release of hazardous substances under CERCLA. The Administrator of the U.S. EPA has the authority to require any person who generates, stores, treats, transports, disposes, arranges for the disposal of, or otherwise handles hazardous wastes and hazardous substances, as those terms are defined in Section 1004(5) of RCRA, 42 U.S.C. §6903(5) and Section 101(14) of CERCLA, 42 U.S.C. 9601(14), to furnish the U.S. EPA with information related to such activities. Pursuant to these statutory provisions, you are hereby requested to submit the information requested below.

1. Copies of all shipping documents or other business documents relating to the transportation, storage and/or disposal of waste materials at the above referenced site.
2. A detailed description of the generic, common and/or trade name and the chemical composition and character (i.e. liquid, solid, sludge) of the waste material offered by you for transportation to, storage and/or disposal at the above referenced site.
3. For each waste material identified above, please give the total volume, in gallons for liquids and in cubic meters for solids, for which you arranged disposal, and list when disposal occurred.

4. What arrangements were made to transport your waste materials to the above referenced site? What type of transportation was used (i.e. tankers, dump trucks, drums)?
5. Who was the transporter of your waste materials, what was his previous address, and what is his current address?
6. Copies of all records, including analytical results, and material safety data sheets, which indicate the chemical composition and/or chemical character of the waste material(s) transported to, stored or disposed of at the above referenced site or offered for transportation to, storage or disposal at the site.
7. A list and description of all liability insurance coverage that is and was carried by you including any self-insurance provisions, that relates to hazardous substances and/or the above referenced site and copies of all of these insurance policies.

Your response to this information request should be sent to:

Ms. Susan Swales 5-HE-12
U.S. EPA - Region V
Waste Management Division
CERCLA Enforcement Section
230 South Dearborn Street
Chicago, Illinois 60604

The information sought pursuant to this request pertains to any and all information in your possession, custody or control relating to the operation of the above referenced site and to the transportation, storage, and/or disposal of hazardous substances or the generation of hazardous substances which were ultimately disposed of or offered for disposal at the American Chemical Services site. The relevant time period for this request is from 1950 through 1975.

For purposes of this information request, "shipping documents" shall mean all contracts, agreements, purchase orders, requisitions, pick-up or delivery tickets, customs forms, freight bills, shipping memoranda, order forms, weight tickets, work orders, manifests, shipping orders, packing slips, bills of lading, invoices, bills and any other documents that evidence discrete transactions in-

volving shipment, or the arrangement for shipment, of waste materials to, through, or from, the above referenced site. "Waste materials" shall mean hazardous substances, solid wastes and hazardous wastes, and other materials which may or may not contain pollutants or contaminants, and shall include reclaimed and off-specification materials of any kind.

The information sought herein must be sent to U.S. EPA within thirty (30) calendar days of your receipt of this letter. Under Section 3008 of RCRA, 42 U.S.C. §6928, failure to comply with this request may result in an order requiring compliance or in a civil action for appropriate relief. These provisions also provide for civil penalties. Failure to comply with this request may also result in a civil enforcement action being brought against you by U.S. EPA under Section 104 of CERCLA, 42 U.S.C. §9604.

The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may request, however, that any such information be handled as confidential business information. A request for confidential treatment must be made when the information is provided, since any information not so identified can be released to the public without further notice to you. Information claimed as confidential will be handled in accordance with the provisions of 40 C.F.R. Part 2.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to Region V pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false or incomplete, the signatory should so notify the U.S. EPA. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted pursuant to 18 U.S.C. §1001.

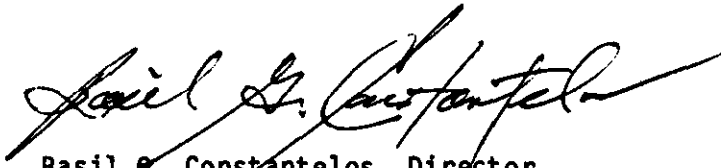
If you need further information regarding this letter, you may contact Ms. Susan Swales of the Hazardous Waste Enforcement Branch at (312) 886-7336.

Due to the nature of the problem at this site and the attendant legal ramifications, the U.S. EPA strongly encourages you to 1) contact other PRPs and, if you would like, Clean Sites, Inc. for assistance in organizing into a committee or committees to negotiate

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with U.S. EPA (Clean Sites' phone number is (703)683-8522), and
2) submit a written response to the information request within the
time frame specified herein. We hope that you will give this
matter your immediate attention.

Sincerely yours,

A handwritten signature in black ink, reading "Basil G. Constantelos". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Basil G. Constantelos, Director
Waste Management Division

*** ANNOUNCEMENT ****

Some potentially responsible parties (PRPs) are organizing a Steering Committee to determine the PRPs response to U.S. EPA's request to negotiate a voluntary Remedial Investigation/Feasibility Study (RI/FS). The Steering Committee is being chaired by Andrew H. Perellis and Dixie Lee Laswell of the law firm of Gessler, Wexler, Flynn, Laswell & Fleischmann, Ltd., Suite 2300, Three First National Plaza, Chicago, Illinois (312/580-0100). A meeting for all PRPs has been scheduled by the Steering Committee for May 6, 1987, starting at 10:30 a.m. (Central Standard Time). The meeting will be held at the Chicago Hilton, 720 S. Michigan Avenue, Chicago, Illinois. U.S. EPA representatives will be available at the start of the meeting to answer any questions you may have about the RI/FS process, the proposed RI/FS work plan for the American Chemical Services (ACS) site, and the consequences if the PRPs do not voluntarily conduct the RI/FS. Thereafter, the U.S. EPA representatives will leave so that the PRPs can hold a closed meeting to discuss whether and how to proceed with the PRP negotiation with the U.S. EPA for a voluntary RI/FS.